



## Senate

General Assembly

January Session, 2001

**File No. 456**

Senate Bill No. 861

*Senate, April 25, 2001*

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING NURSING HOME INSPECTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 19a-521a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 [On and after July 1, 1992, the] The Department of Public Health  
4 shall [, whenever possible,] conduct dual inspections of chronic and  
5 convalescent nursing homes or rest homes with nursing supervision  
6 when an inspection of any such [a] facility is necessary for the purpose  
7 of the facility's maintaining state licensure and certification for  
8 participation in the Title XIX Medicaid program or the Title XVIII  
9 Medicare program, provided such dual inspections shall be conducted  
10 [in not less than fifty per cent of such facilities. On and after January 1,  
11 1993, the department shall conduct such dual inspections in not less  
12 than seventy per cent of such facilities] on a random and unannounced  
13 basis.

**AGE**      *Joint Favorable C/R*

PH

**PH**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** Cost

**Affected Agencies:** Department of Public Health

**Municipal Impact:** None

**Explanation****State Impact:**

The state will incur FY 02 costs of \$250,700 to implement provisions in this bill. Included in this sum is \$183,100 to support the three-quarter year salaries of three (3) Nurse Consultants, one (1) Building and Fire Safety Inspector, and associated other expenses and equipment costs needed to conduct federal surveys of an estimated additional sixty-five (65) nursing homes annually. (Also included are associated fringe benefit costs of \$67,600.) On an annual basis, seventy-five percent of visits made by DPH regulatory staff to nursing homes involve dual inspections (state licensure and federal certification). The remaining twenty-five percent of these visits involve only a state inspection. Under the bill, a federal survey must be added for those facilities now receiving only a state inspection.

In FY 03 and subsequent fiscal years the cost of this policy change will be \$323,500 (costs to the department of \$233,300 and associated fringe benefits costs of \$90,200).

No funding has been included under the DPH's budget within SHB

6668 (the Appropriations Act, as favorably reported by the Appropriations Committee) for this purpose.

---

**OLR BILL ANALYSIS**

SB 861

***AN ACT CONCERNING NURSING HOME INSPECTIONS.*****SUMMARY:**

This bill requires the Department of Public Health (DPH) to conduct dual inspections of nursing homes in all situations where inspections are required for state licensure and for federal Medicaid or Medicare certification. Current law only requires such dual inspections whenever possible and in at least 70% of the facilities. The bill also requires the dual inspections to be random and unannounced.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Federal Inspection Schedules***

To receive federal Medicare or Medicaid reimbursement, nursing homes must become federally certified and periodically undergo federally-mandated inspections (called surveys under federal law). In Connecticut, DPH conducts these surveys for the federal government under a contract with the federal Health Care Financing Administration (HCFA). The surveys must take place, on average, every 12 months, and the time between inspections cannot be more than 15 months. Federal law prohibits prior notice of the survey to the nursing home and imposes civil penalties on anyone giving the homes prior notice. Federal regulations also specify that the surveys must be unannounced (42 U.S.C. § 1395i-3(g)(2) and 42 C.F.R. § 488.307 and 488.308).

***State Requirements***

Other sections of state law require DPH to renew nursing home licenses every two years after an unscheduled inspection and the

nursing home's submission to the commissioner of evidence that it is in compliance with state law, as well as other information the commissioner requires. The law generally prohibits DPH employees, Department of Social Services employees, and regional long-term care ombudsmen from giving any advance notice to a nursing home that an inspection or other investigation is being considered or about to take place. If they give such advance notice, they are guilty of a class B misdemeanor and can be dismissed, suspended, or demoted from their jobs unless federal or state law specifically requires advance notice.

***Related Bill***

sHB 5668, reported favorably by the Public Health Committee, requires DPH to perform several additional functions concerning staffing levels during its nursing home inspections.

**COMMITTEE ACTION**

Select Committee on Aging

Joint Favorable Change of Reference

Yea 12      Nay 0

Public Health Committee

Joint Favorable Report

Yea 25      Nay 0